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SUBJECT: YUGOSLAV WAR CRIMES TRIBUNAL BRIEFS ON MILOSEVIC
INVESTIGATION

¶1. At the request of the Russian Federation, the President of the Yugoslav War Crimes Tribunal (ICTY) Fausto Pocar briefed SC members via videoconference on the investigation of the deaths of Milan Babic and Slobodan Milosevic. After Pocar's report, Russia's representative asked a series of questions and then complained that the responses offered by the Tribunal were inadequate. Other SC members urged support for the Tribunal's efforts and said the Council should await the results of the investigations before reaching conclusions. End Summary.

¶2. Not satisfied with the "Briefing Note on Deaths of Milan Babic and Slobodan Milosevic" (faxed to IO and L) which was distributed to Council members on March 23, the Russian Federation requested an oral briefing by the Tribunal on the deaths of Babic and Milosevic. On March 30, ICTY President Fausto Pocar and the Deputy Registrar briefed Council members on the steps taken to investigate the suicide death of Milan Babic and subsequent death from natural causes of Slobodan Milosevic while both were incarcerated at the ICTY detention facility.

¶3. Pocar reported that in both cases Dutch officials were immediately called and given complete access. Pocar had ordered an unrestricted investigation under the supervision of Judge Parker. He noted that 65 persons have been interviewed thus far, including all Tribunal personnel, legal counsel and family members who had contact with the decedents. In the case of Mr. Milosevic, all doctors who visited him have been asked to provide information. The Court is waiting for the Dutch government to provide autopsy and toxicological reports. A careful examination is being made of reports of the use of unprescribed medication. The Registrar of the Tribunal has also arranged for an independent expert evaluation of the detention unit in order to assess standards. A Swedish team, including a judge and highly respected experts will conduct the study in the Hague.

¶4. Russian DPR Rogachev said he had a series of specific questions to address to the Court. Noting that six detainees have died while in custody, he said that Russia is especially concerned about the medical facilities. (Note: The Registrar remarked that four persons had died while in custody. In addition to Babic and Milosevic, two had died in 1998.) Why, Rogachev asked, was Milosevic not given adequate medical services? Why was he refused treatment outside of the prison at a facility in the Hague? Why was he prescribed anti-biotics? Had he contracted any diseases while in custody?

¶5. Pocar responded that there is a medical officer at the facility who is qualified as a Dutch General Practitioner and monitors the health of all detainees. Detainees may consult practitioners of their choice and a Belgrade cardiologist had visited Milosevic. In response to the Russian's question

about whether Milosevic had received treatment for tuberculosis or leprosy while in detention, Pocar said that he had not but in January a drug was found in his blood that is used to treat those diseases. This substance can counter-act the medication that he was taking for high blood pressure and they are looking into how this happened. Because Milosevic was acting as his own Counsel, he had access to many from outside the facility including 70 witnesses and others assisting with his defense. Pocar assured the Council members that they are reviewing measures at the facility to ensure that they are adequate.

¶6. The Russian complained that the responses were not satisfactory. His questions had been quite specific and the responses were general. The Tribunal lacks transparency, he said, and although they welcome the Dutch investigation, they hope that the results will be made public. In response to the Russian remarks, France, UK, US, Greece said that the Council should continue to support the Court in its work and the way that it is handling its investigation. Pocar said that the Tribunal will keep the Council informed but must await the end of the inquiry.

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